

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



September 12, 1990

ALL-COUNTY LETTER NO. 90-86

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY GAIN COORDINATORS

SUBJECT: TRANSPORTATION CAPS

REFERENCE: ALL-COUNTY GAIN COORDINATORS LETTER DATED
OCTOBER 16, 1989; MANUAL OF POLICIES AND PROCEDURES
(MPP) SECTION 42-750.312

This is to confirm the recent information reported to your County on the Court's ruling in the case of Crary v. State Department of Social Services. That ruling prohibits the use of transportation caps in the Greater Avenues for Independence (GAIN) Program. A copy of the Court Order is enclosure for your information.

Effective immediately, Counties shall do the following:

1. Cease enforcing or implementing the All-County GAIN Coordinators Letter dated October 16, 1989.
2. Cease implementing or otherwise authorizing any transportation cap which imposes a limitation on payments to participants authorized to drive their cars pursuant to MPP Section 42-750.312. Consistent with MPP Section 42-750.3, limitations cannot vary from those imposed on County employees. Examples of limitations which are different from those typically imposed on County employees for use of privately-owned vehicles include:
 - o Limiting the number of miles for which a participant can claim reimbursement that is less than the number of miles to the activity. This includes policies prohibiting reimbursement for miles traveled outside of the County.
 - o Limiting the number of miles that are reimbursed at standard mileage rate, then reimbursing only actual expenses for gas and oil for mileage above that limit.
 - o Reducing the mileage rate paid above a certain number of miles, regardless of the number of miles to the activity.

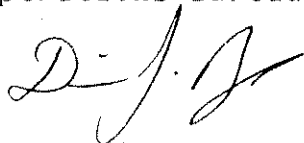
- o Approving participant choice of training location but limiting payment of mileage to the closer site. (Once an activity is approved, actual mileage to that activity where there is no public transportation must be paid. However, when a County is referring an individual to an activity, it is not precluded from approving the closest site.)
 - o Reducing the mileage rate paid above a certain number of miles.
3. For ongoing cases, cease imposing a transportation cap effective with the next supportive services payment.

While the Order does require the retroactive restoration of benefits, specific procedures have not yet been determined. Counties need not conduct a case file search at this time. However, in order to minimize future workload impact, we recommend that as case files are routinely processed for other purposes, they be flagged if they indicate that the participant has been subject to a transportation cap.

Additionally, in order to assist us in planning for retroactivity, please complete the enclosed certification and return it to us at the following address not later than September 28, 1990.

Department of Social Services
GAIN and Employment Services Operations Bureau
744 P Street, M.S. 6-136
Sacramento, CA 95814

If you have any questions concerning the information in this letter, please contact your GAIN and Employment Services Operations Bureau analyst at (916) 324-6962.



DENNIS J. BOYLE
Deputy Director

Enclosures

cc: CWDA

CERTIFICATION

Crary v. State Department of Social Services

Check and sign one of the certifications below as appropriate:

1. The County has never imposed transportation caps on GAIN participants.

County

Welfare Director's Signature

Date

2. The County did apply transportation caps to GAIN participants during the period through .

Attached is the policy we applied.

County

Welfare Director's Signature

Date

If you checked #2 above:

I certify that my County no longer applies transportation caps to GAIN participants.

County

Welfare Director's Signature

Date

1 MARY M. MASTIN, NO. 140096
 LEGAL SERVICES OF NORTHERN CALIFORNIA
 2 190 Reamer Street
 Auburn, CA 95603
 3 Telephone: (916) 823-7560
 4 BRIAN PADDOCK, NO. 40060
 LEGAL SERVICES OF NORTHERN CALIFORNIA
 5 515 12th Street
 Sacramento, CA 95814
 6 Telephone: (916) 444-6760

7 KATHERINE E. MEISS, NO. 069185
 CLARE PASTORE, NO. 135933
 8 WESTERN CENTER ON LAW & POVERTY
 3535 West Sixth Street
 9 Los Angeles, CA 90020
 Telephone: (213) 487-7211

10 Attorneys for Petitioners
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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA,

13 IN AND FOR THE COUNTY OF SACRAMENTO

14 KAREN CRARY, CHRISTINE ROSS,)
 JIMMY ISRAEL, TRISHA BENOUN)
 15 PARKER, SUZANNE MARSH, and)
 GARY HANELINE,)

Case No. 363143

16 Petitioners and Plaintiffs,)
 17 for themselves and others)

~~PROPOSED~~ ORDER
 GRANTING PEREMPTORY
 WRIT OF MANDATE
 (C.C.P. § 1085)

18)
 19 vs.)

20)
 21 DEPARTMENT OF SOCIAL SERVICES,)
 and LINDA S. McMAHON, in her)
 official capacity as Director,)
 22 California Department of)
 Social Services,)

23 Respondents and Defendants.)
 24

25 This matter came on for hearing before this Court on
 26 August 3, 1990. The Court having reviewed the pleadings, and the
 27 exhibits having been received in evidence, and having received
 28 additional evidence by way of taking judicial notice pursuant to

FILED

AUG - 3 1990

By JOYCE E. RUSSELL, CLERK
 [Signature]

1 petitioners' request, and having heard arguments, and the case
2 having been submitted for decision,

3 IT IS ORDERED THAT:

4 1. A peremptory writ of mandate shall issue under the seal
5 of this Court, commanding respondents Department of Social
6 Services and Linda McMahon to

7 A. Pay to all GAIN participants GAIN transportation at the
8 regional market rate as required by Welfare and Institutions Code
9 Section 11320.3 (a) with no cap or other limit, and in particular
10 to:

11 (1) cease enforcing, implementing or otherwise authorizing
12 any transportation cap which imposes a limitation on payment other
13 than as set out in MPP § 42-750.312, i.e., the local County
14 Welfare Department reimbursement rate;

15 (2) cease enforcing, following, or otherwise implementing
16 the October 16, 1989 All County GAIN Coordinators Letter;

17 (3) cease enforcing any transportation reimbursement policy
18 which sets maximum limits on amounts paid other than those
19 authorized by state statute;

20 ~~(4) cease enforcing or implementing MPP § 42-750.315 because~~
21 ~~it violates the GAIN statute by imposing additional limits on~~
22 ~~transportation expenses not authorized by the Legislature;~~

23 ~~(5) cease enforcing or implementing MPP § 42-750.315 because~~
24 ~~it was not promulgated pursuant to the California Administrative~~
25 ~~Procedures Act;~~

26 (6) cease enforcing any and all transportation caps or cap
27 policy not promulgated pursuant to the California Administrative
28 Procedures Act; and

1 B. restore to the named plaintiffs and other members of the
2 class all GAIN supportive services monies unlawfully withheld from
3 them because of the transportation expense limitations challenged
4 herein.

5 DATED: 8-3-96

6
7 C. E. H. L.
8 JUDGE OF THE SUPERIOR COURT
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